HONOURABLE SMT.JUSTICE T.MEENA KUMARI

&

HONOURABLE JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO. 20765 OF 2005

Dated 26-09-2005

Between:

K. Ashok Reddy son of K.Srinivas Reddy, aged about 44 years, Occupation: Panchayat Secretary, Gram Panchayat, Huzurabad, Karimnagar District.

.....Petitioner.

And:

1. The District Collector, Panchayat Wing, Karimnagar and

others.

.....Respondent.

ORDER : (Per the Honourable Smt. Justice T. Meena Kumari)

This writ petition has been filed by the writ petitioner against the order passed in O.A. No.5343 of 2004, dated 10-06-2005 by the A.,P. Administrative Tribunal, Hyderabad.

The writ petitioner is the applicant before the tribunal. The case of the applicant is that a false complaint was lodged to the A.C.B. authorities, by one Kollipaka Ravi who was running a telephone booth at Huzurabad, alleging that he demanded an amount of Rs.2,000/- for doing an official favour of granting permission for installation of telephone booth in Grampanchayat land. It is the further

case of the applicant that the complainant had unauthorizedly installed a telephone booth during March, 2004 at Ambedkar Cross Road at Huzurabad and the same was removed following the public complaint and thereafter, the complainant further installed the booth unauthorisedly adjacent to Indira Gandhi statue and the same was also removed following the Grampanchayat resolution. The complainant in the Month of July, 2004 made an application to the Grampanchayat seeking permission for installation of telephone booth in Grampanchayat land and the Grampanchayat gave permission to him and the Gram Panchayat gave permission to the complainant on 9.7.2004 to install the same adjacent to High school compound after collecting Rs.150/- as fee and therefore, the allegation that he demanded Rs.2,000/- for installation of the telephone booth, is not correct. However, as the complainant acted contrary to the panchayat resolution, he passed orders for removal of the booth. Having grudge against him for the removal of the booth, he filed a false complaint against him. While so, during the A.C.B. trap conducted on 6.8.2004, one Mr.Narender Reddy, Bill Collector was caught red handed and some amount was recovered from him. Therefore, he is not involved in any A.C.B. case. However, on a radio message from the A.C.B. Inspector, Karimnagar Range, he was placed under suspension. Hence, , he filed an application under Section 19 of the administrative Tribunals Act, 1985 in O.A.No.5343 of 2004 seeking to call for the records relating to Proceedings No.A3/3669/2004/Pts dt.12.8.2004 issued by the 1st respondent and set aside the same as illegal, arbitrary and unconstitutional. The Tribunal having observed that as far as the cases of suspension under disciplinary proceedings are concerned, the matter will have to be adjudicated basing on the facts and circumstances in a given case, dismissed the O.A. Aggrieved by the same, the applicant filed the present writ petition.

Heard both sides. We have perused the order impugned and material available on record.

We have gone through the order impugned. It goes to show that the applicant is involved in an A.C.B case. Consequence of which, he was placed under suspension. It is not known as to whether the investigation in the A.C.B. case is completed and chargesheet is filed and as to whether any disciplinary proceedings are initiated. In a case of this nature, placing the applicant under suspension, does not amount to any punishment, but it is nothing but a step before initiating any disciplinary proceedings as rightly observed by the tribunal and therefore, at this

stage, if it is interfered with, it may amount to cause prejudice, if any to the investigation being done by the A.C.B. or the disciplinary proceedings. Hence, We feel that the approach of the applicant at this stage, is nothing but a premature one and the tribunal is justified in rejecting the claim of the applicant. Hence, We see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed, at the admission stage. No costs.

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Justice T. MEENA KUMARI

Date: 26th September, 2005

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Justice P. LAKSHMANA REDDY

Dvs/Gurc

HONOURABLE SMT. JUSTICE T.MEENA KUMARI

&

HONOURABLE JUSTICE P. LAKSHMANA REDDY

WRIT PETITION NO. 20765 OF 2005

(Order delivered by the Honourable

Smt. Justice T.Meena Kumari)

Dated 26-09-2005